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**CITY OF OAKLAND  
COUNCIL AGENDA REPORT**

TO: Office of the City Manager  
ATTN: Deborah Edgerly, Interim City Manager  
FROM: Public Works Agency  
DATE: July 22, 2003

RE: **RESOLUTION AUTHORIZING THE CITY MANAGER TO AWARD A CONSTRUCTION CONTRACT IN AN AMOUNT NOT TO EXCEED \$104,000, FOR THE RESTORATION AND SLOPE STABILIZATION OF ARROYO VIEJO CREEK, WITHOUT RETURN TO COUNCIL, PROVIDED THAT IF THE BIDS ARE NOT RECEIVED OR ARE NON-RESPONSIVE, THE CITY MANAGER MAY REJECT ALL BIDS AND NEGOTIATE AND AWARD THE CONTRACT NOT TO EXCEED \$104,000, WITHOUT RETURN TO COUNCIL**

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**SUMMARY**

A resolution has been prepared authorizing the City Manager to award a construction contract in an amount not to exceed \$104,000 for the restoration and bank stabilization of Arroyo Viejo Creek at Arroyo Viejo Park. In the event that bids are not received, or bids are not responsive, or exceed the available funds, the Interim City Manager or her designee will reject bids and negotiate a contract not to exceed \$104,000. The project is located in Council District 6.

In order to expedite the contract award process and complete the restoration and bank stabilization of Arroyo Viejo Creek at Arroyo Viejo Park in the project period, as stipulated in the grant, and prior to the winter season, as required by State and Federal regulatory agencies, staff recommends the City Manager be authorized to award a construction contract upon receipt and review of bids.

The restoration and slope stabilization of Arroyo Viejo Creek consists of repair and improvement of the existing sanitary sewer line crossing the creek, removal of concrete in the creek, grading and revegetating the area around the creek with native riparian plants.

The restoration and slope stabilization of Arroyo Viejo Creek is a grant-funded project, which is consistent with the Mayor and City Council Goal to **Maintain and Enhance Oakland's Physical Assets**. This goal will be met by improvement to the flow capacity of the creek, increased habitat and improved water quality.

**FISCAL IMPACT**

Funding for the restoration and slope stabilization of Arroyo Viejo Creek at Arroyo Viejo Park is provided from a grant received from the State of California Department of Parks and Recreation – Riparian and Riverine Habitat Program under the Safe Neighborhood Parks, Clean Water,

Clean Air, and Coastal Protection Bond Act of 2000. The estimated cost of these improvements is \$104,000 including 10% contingencies. Sufficient funds are available in the Public Works Agency budget, Fund No. 2134, Org No. 30285, Project No. H57917, Account No. 54911.

## **BACKGROUND**

The restoration and bank stabilization of Arroyo Viejo Creek at Arroyo Viejo Park will remove failing concrete structures, improve the existing sewer pipe, stabilize banks, and restore native habitat along a 50 ft. stretch of the creek. Currently, 10-foot high sewer and utility pipes cross the creek at this location and are supported by the failing concrete walls. Community members expressed concerns about the safety of the pipes that youth walk across and climb on. This project will remove the failing concrete walls that support the sewer pipe, regrade the creek bank to a gentler slope and improve the sewer pipe support. This project will also complement the restoration of the lower stretch of the creek in Arroyo Viejo Park that was completed in 2001.

## **KEY ISSUES AND IMPACTS**

Restoration and bank stabilization of Arroyo Viejo Creek should begin as soon as possible in order to have in-creek work completed before October 1<sup>st</sup>, as required by the state and federal regulatory permits.

If the normal process of contract award is followed, the City Council may award this contract at its September 30<sup>th</sup> meeting, due to the summer recess. Since the state and federal regulatory permits require completion of construction by October 1<sup>st</sup>, an informal bid and award process is recommended.

In order to expedite the execution of a construction contract, Public Works Agency is concurrently advertising for bids and will award a contract to the responsible low bidder after Council approves the resolution. In the event that bids are not received, or bids are not responsive, the Interim City Manager or her designee will reject bids and negotiate a contract not to exceed \$104,000.

Bidders will be required to meet the City's standard bid and contracting requirements, including Local/Small Local Business Enterprise goals.

The following schedule is proposed for the project:

<b>Request &amp; Open Informal Bids:</b>	June 30-August 18, 2003
<b>Award Contract:</b>	August 25, 2003
<b>Execute Contract:</b>	August 26 –September 12, 2003
<b>Begin Construction:</b>	September 15, 2003
<b>Complete Construction:</b>	October 1, 2003

## **PROJECT DESCRIPTION**

The restoration and bank stabilization of Arroyo Viejo Creek at Arroyo Viejo Park will remove failing concrete structures, improve the existing sewer pipe, stabilize banks, and restore native habitat along a 50 ft. stretch of the creek.

This project will restore the upper stretch of Arroyo Viejo Creek at Arroyo Viejo Park to improve the habitat, bank stability of the creek, and complement the restoration of the lower stretch of the creek that was completed in 2001.

## **SUSTAINABLE OPPORTUNITIES**

### Economic

Effective and appropriate implementation of the project will reduce the need for creek maintenance by removing failing concrete structures and increasing the flow capacity of this section of the creek. The aesthetic improvement to the creek and the park will assist in neighborhood revitalization efforts.

### Environmental

This project will allow the Public Works Agency to continue to implement the goals of the Watershed/Creeks Program: to protect, restore, and improve Oakland's creeks in coordination with community concerns and priorities. The program also advances the environmental goals in the OSCAR in the General Plan adopted by the City Council.

### Social Equity

Effective and appropriate implementation of the project will benefit the community and users of Arroyo Viejo Park. It will improve the appearance and environmental quality of Arroyo Viejo Creek and Park. The project will also improve park safety by minimizing accessibility to the sewer pipe and creating gentle creek bank slope to replace the steep slopes and jagged broken concrete walls.

## **DISABILITY AND SENIOR CITIZEN ACCESS**

There is no direct impact or benefit to seniors or people with disabilities.

## **RECOMMENDATION AND RATIONALE**

Staff recommends that the resolution be approved in order to expedite the restoration and stabilization of Arroyo Viejo Creek at Arroyo Viejo Park.

**ACTION REQUESTED OF THE CITY COUNCIL**

Staff recommends that the City Council approve the resolution to authorize the City Manager to award a construction contract not to exceed \$104,000.

Respectfully submitted,



**CLAUDETTE R. FORD**  
Director, Public Works Agency

Reviewed by:  
Raul Godinez II, P.E.  
Assistant Director, Public Works Agency  
Design & Construction Services

Prepared by:  
Fuad Sweiss, P.E.  
Supervising Civil Engineer

APPROVED AND FORWARDED  
TO THE PUBLIC WORKS COMMITTEE:

  
**OFFICE OF THE CITY MANAGER**

# OAKLAND CITY COUNCIL

RESOLUTION No. \_\_\_\_\_

C. M. S.

FILED  
OFFICE OF THE CITY CLERK  
OF THE CITY OF OAKLAND

2003 JUL 10 PM 3:21

INTRODUCED BY COUNCILMEMBER \_\_\_\_\_

Requires two-thirds vote of the Council

**RESOLUTION AUTHORIZING THE CITY MANAGER TO AWARD A CONSTRUCTION CONTRACT IN AN AMOUNT NOT TO EXCEED \$104,000, FOR THE RESTORATION AND SLOPE STABILIZATION OF ARROYO VIEJO CREEK, WITHOUT RETURN TO COUNCIL, PROVIDED THAT IF THE BIDS ARE NOT RECEIVED OR ARE NON-RESPONSIVE, THE CITY MANAGER MAY REJECT ALL BIDS AND NEGOTIATE AND AWARD THE CONTRACT NOT TO EXCEED \$104,000, WITHOUT RETURN TO COUNCIL**

**WHEREAS**, the Restoration and Slope Stabilization of Arroyo Viejo Creek is a grant-funded project which is consistent with the City Council Budget Priorities of **Clean and Livable Communities** and **Renewed Infrastructure**; and

**WHEREAS**, the Restoration and Slope Stabilization of Arroyo Viejo Creek consists of repair and improvement of the existing sanitary sewer line crossing the creek; the removal of concrete in the creek; grading and landscaping the area around the creek; and

**WHEREAS**, the City will advertise and solicit competitive bids for this project provided that the urgent need to have a contract in place makes it necessary to accelerate the contract award process by authorizing the City Manager to award a contract without return to City Council; and

**WHEREAS**, the Restoration and Slope Stabilization of Arroyo Viejo Creek at Arroyo Viejo Park is grant funded and there are sufficient funds available in Fund No. 2134, Project Number H57917 for the contract work; and

**WHEREAS**, the City lacks the equipment and qualified personnel to perform the necessary work; and

**WHEREAS**, the City Council finds and determines that the performance of this contract is in the public interest because of economy; and

**WHEREAS**, the City Council finds that services under this contract will be temporary; and

**WHEREAS**, the City Council finds and determines that the performance of this contract shall not result in the loss of employment or salary by any person having permanent status in the competitive services; now, therefore, be it

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PUBLIC WORKS CMTE

JUL 22 2003

**RESOLVED:** That the City Manager is authorized to award a contract for the Restoration and Slope Stabilization of Arroyo Viejo Creek to the lowest responsible bidder, in accordance with the terms of its bid, for an amount not to exceed One Hundred Four Thousand Dollars (\$104,000), without return to City Council; and be it

**FURTHER RESOLVED:** That the plans and specifications prepared by the Director of Public Works for this project are hereby approved; and be it

**FURTHER RESOLVED:** That the amount of the bond for faithful performance of one-half the bid amount, and the amount for a bond to guarantee payment of all claims for labor and materials furnished and for the amount due under the Unemployment Insurance Act, equal to the bid amount, with respect to such work are hereby approved; and be it

**FURTHER RESOLVED:** That in the event that bids are not received, or bids are deemed not responsive, the City Manager is authorized to reject bids and negotiate a contract not to exceed \$104,000, without return to City Council; and be it

**FURTHER RESOLVED:** That the City Manager is hereby authorized to execute any amendments or modifications to said agreement; and be it

**FURTHER RESOLVED:** That the contract shall be reviewed and approved by the City Attorney and placed on file in the Office of the City Clerk; and be it

**FURTHER RESOLVED:** That the approval of this Resolution requires a two-thirds vote of the City Council.

IN COUNCIL, OAKLAND, CALIFORNIA, \_\_\_\_\_, 2003

**PASSED BY THE FOLLOWING VOTE:**

AYES- BROOKS, BRUNNER, CHANG, NADEL, QUAN, REID, WAN and PRESIDENT DE LA FUENTE

NOES-

ABSENT-

ABSTENTION-

ATTEST: \_\_\_\_\_

CEDA FLOYD  
City Clerk and Clerk of the Council  
of the City of Oakland, California

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PUBLIC WORKS CMTE  
JUL 22 2003